

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EMMA C., et al.,

Plaintiffs,

v.

DELAINE EASTIN, et al.,

Defendants.

NO. C96-4179 TEH

ORDER CLARIFYING
DIRECTIVE PROCEDURE

In an Order filed on December 20, 2007, the Court stated that “[t]he Court Monitor shall have authority to issue Directives to either or both Defendants” Order re: Directives 4:13-15 (ECF No. 1151). The Court explained the procedures the parties must follow upon the issuance of a Directive:

The Defendant subject to a Directive from the Monitor shall have seven days to perform, or state its commitment to perform, the activities identified in the directive. In the event that the affected Defendant disagrees with the Directive, that Defendant shall seek relief from the Directive within 14 calendar days of the day it notifies the Monitor of its refusal to comply with a Directive. It will do so by filing with the Court and serving on all Parties a memorandum or brief showing cause why the Court should not issue an Order enforcing the Directive. If the Defendant subject to a Directive agrees to implement a Directive, and then does not do so or does not do so effectively, the Monitor shall notify the Parties, and may, at his discretion, seek an Order from the Court to enforce the Directive.

Id. at 4:16-26.

The Monitor issued a Directive to CDE on March 23, 2011. Having heard nothing from CDE in response to the Directive, the Monitor alerted the Court to the fact that there is no deadline by which a Defendant must alert the Monitor of its refusal to comply with a Directive. Accordingly, the Court amends the December 20, 2007 Order to require that within seven days of a Directive, the affected Defendant shall notify the Monitor of its: (1) refusal to comply with the Directive; (2) performance of the activities identified in the

1 Directive; or (3) intention to perform the activities identified in the Directive. In other words,
2 regardless of the affected Defendant's response to a Directive, the Defendant shall notify the
3 Monitor of the nature of its response within seven days. All other deadlines and requirements
4 relating to Directives remain unchanged.

5 CDE shall advise the Monitor of its response to the March 23, 2011 Directive within
6 seven days of this Order.

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8 **IT IS SO ORDERED.**

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10 Dated: 4/5/11



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT